



April 3, 2023

By ECF

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

Re.: Smithline Family Trust II et al. v. FOXO Technologies, Inc. *et al.*,
Case No. 1:22-cv 10858-VEC

Dear Judge Caproni:

We represent Plaintiff Smithline Family Trust II, as Assignee of Puritan Partners, LLC
“Plaintiff”) herein.

Pursuant to the Court’s February 17, 2023 Order (ECF Doc. No. 22) (the “Order”), the following is the first of the parties’ monthly joint discovery updates to the Court. Therefore, its content has been reviewed and consented to by Defendants FOXO Technologies, Inc. (“FOXO”) and Jon Sabes (“Sabes”) (collectively “Defendants”) before being filed.¹

Pursuant to the Order, the Parties timely served their Initial Disclosures pursuant to Fed. R. Civ. P. 26. Further, the Parties met and conferred to discuss a discovery plan in order to meet the deadlines in the Order. Thereafter, Plaintiff and FOXO served their respective First Requests for Production of Documents, Electronically Stored Information, and Tangible Things. Plaintiff prepared a draft Protective Order to be submitted for the Court’s review and approval, and Plaintiff and FOXO and are in the process of negotiating the terms of same.

The foregoing constitutes the Parties’ monthly discovery update. We thank the Court for its attention, consideration, and courtesies.

Respectfully submitted,

/s/ Owen A. Kloter, Esq..

Sameer Rastogi, Esq.
Owen A. Kloter, Esq.

cc. All Counsel-of-Record (via ECF)

¹ All parties to the case are collectively referred to as the “Parties”.